



January 26, 2007

SENATE BILL No. 6

DIGEST OF SB 6 (Updated January 23, 2007 11:49 am - DI 106)

Citations Affected: IC 34-30; IC 36-8.

Synopsis: Disclosure of cell phone location information. Requires a commercial mobile radio service (CMRS) provider to disclose to a law enforcement officer the automatic location identification of a subscriber upon request if an emergency situation exists that involves the immediate danger of death or serious bodily injury to any person, including a situation in which there is a credible report of an unexplained missing person. Requires a law enforcement officer to provide a copy of a valid warrant or subpoena to the CMRS provider within 48 hours of receiving the location information. Provides immunity from civil liability for good faith disclosures of information by CMRS providers.

Effective: July 1, 2007.

Ford

January 8, 2007, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
January 25, 2007, amended, reported favorably — Do Pass.

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SB 6—LS 6029/DI 103+



January 26, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 6

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 34-30-2-156.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2007]: **Sec. 156.5. IC 36-8-16.5-51**
4 **(Concerning commercial mobile radio service providers for**
5 **disclosure of automatic location identification or automatic**
6 **number identification information to a law enforcement officer).**
7 SECTION 2. IC 36-8-16.5-51 IS ADDED TO THE INDIANA
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2007]: **Sec. 51. (a) This section applies to a**
10 **CMRS provider that provides CMRS to a subscriber.**
11 **(b) A CMRS provider shall disclose a subscriber's automatic**
12 **location identification and automatic number identification**
13 **information to a law enforcement officer upon request if an**
14 **emergency situation exists that involves immediate danger of death**
15 **or serious bodily injury to any person, including a situation in**
16 **which there is a credible report of an unexplained missing person.**
17 **This subsection does not affect the written policy of a CMRS**

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1 provider concerning the disclosure of a subscriber's automatic
2 location identification or automatic number identification
3 information in a nonemergency situation.

4 (c) Unless a subscriber executes a consent to the disclosure of
5 the subscriber's automatic location identification or automatic
6 number identification information before a law enforcement
7 officer receives information concerning a subscriber under this
8 section, the law enforcement officer who receives information
9 concerning a subscriber from a CMRS provider under this section
10 shall provide the CMRS provider with a copy of a valid warrant or
11 subpoena authorizing the disclosure of the subscriber's automatic
12 location identification and automatic number identification
13 information not later than forty-eight (48) hours after the law
14 enforcement officer makes the request under subsection (b).

15 (d) The failure of a law enforcement officer to apply for a
16 warrant or subpoena described in subsection (c) is a crime
17 punishable by up to one (1) year imprisonment under 18 U.S.C.
18 3121.

19 (e) A CMRS provider that discloses information in good faith
20 under subsection (b) is immune from civil liability for disclosing
21 the information. This subsection does not apply to acts or omissions
22 amounting to gross negligence or willful or wanton misconduct.

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 6, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 6, delete "subscriber or".

Page 1, line 14, delete ":".

Page 1, line 15, delete "(1)".

Page 1, run in lines 14 through 15.

Page 1, line 15, delete "the subscriber or".

Page 1, line 16, delete "; and" and insert **"if an emergency situation exists that involves immediate danger of death or serious bodily injury to any person, including a situation in which there is a credible report of an unexplained missing person."**

Page 1, delete line 17.

Page 2, delete line 1.

Page 2, line 6, after "(c)" insert **"Unless a subscriber executes a consent to the disclosure of the subscriber's automatic location identification or automatic number identification information before a law enforcement officer receives information concerning a subscriber under this section, the law enforcement officer who receives information concerning a subscriber from a CMRS provider under this section shall provide the CMRS provider with a copy of a valid warrant or subpoena authorizing the disclosure of the subscriber's automatic location identification and automatic number identification information not later than forty-eight (48) hours after the law enforcement officer makes the request under subsection (b).**

(d) The failure of a law enforcement officer to apply for a warrant or subpoena described in subsection (c) is a crime punishable by up to one (1) year imprisonment under 18 U.S.C. 3121.

(e)".

and when so amended that said bill do pass.

(Reference is to SB 6 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 9, Nays 0.

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